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15 Attorneys for Defendant and Counterclaimant
16 FIREEYE, INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION
20

21 FINJAN, INC., a Delaware Corporation,
22 Plaintiff,
23 v.
24 FIREEYE, INC., a Delaware Corporation,
25 Defendant.

CASE NO. 13-CV-03133 (SBA)

**DECLARATION OF SUMMER KRAUSE
IN SUPPORT OF FIREEYE'S MOTION
FOR STAY OF THE CASE PENDING
REEXAMINATION OF UNITED STATES
PATENT NOS. 7,058,822, 7,647,633 AND
8,079,086**

Date: November 12, 2013
Time: 1:00 p.m.
Dept.: Courtroom 1 - 4th Floor
Judge: Honorable Sandra B. Armstrong

1 I, Summer Krause, submit this declaration in support of FireEye, Inc.'s Motion for Stay of
 2 the Case Pending Reexamination of United States Patent Nos. 7,058,822, 7,647,633 and
 3 8,079,086 and declare as follows:

4 1. I am an attorney at the law firm of DLA Piper LLP (US), attorneys of record for
 5 Defendant FireEye, Inc.'s ("FireEye"). If called as a witness, I could and would testify
 6 competently to the information set forth in this declaration.

7 2. Attached as **Exhibit 1** hereto is a true and correct copy of the Jury Verdict from
 8 *Finjan, Inc. v. Symantec Corp., Websense, Inc., and Sophos, Inc.*, Ca. No. 10-cv-593-GMS (Dec.
 9 18, 2012).

10 3. Attached as **Exhibit 2** hereto is a true and correct copy of Ex Parte Reexamination
 11 Certificate (9830th) for U.S. Patent No. 6,167,520.

12 4. Attached as **Exhibit 3** hereto is a true and correct copy of the Request for Ex-Parte
 13 Reexamination (Form PTO-SB/57; PTO-1465) Providing Information on U.S. Patent No.
 14 7,058,822.

15 5. Attached as **Exhibit 4** hereto is a true and correct copy of the Request for Ex-Parte
 16 Reexamination (Form PTO-SB/57; PTO-1465) Providing Information on U.S. Patent No.
 17 7,647,633.

18 6. Attached as **Exhibit 5** hereto is a true and correct copy of the Request for Ex-Parte
 19 Reexamination (Form PTO-SB/57; PTO-1465) Providing Information on U.S. Patent No.
 20 8,079,086.

21 7. Attached as **Exhibit 6** hereto is a true and correct copy of the United States Patent
 22 and Trademark Office's most recent statistics regarding *ex parte* reexaminations.

23 I declare under penalty of perjury under the laws of the United States of America that the
 24 foregoing is true and correct. This declaration is executed on October 7, 2013, at Palo Alto,
 25 California.

26
 27 /s/ Summer Krause
 Summer Krause